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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,862	02/22/2002	Jyrki Ignatius	0365-0530P	9773
2292	7590	10/28/2003	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			JOHNSON, JERRY D	
			ART UNIT	PAPER NUMBER
			1764	

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/080,862	IGNATIUS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jerry D. Johnson	1764	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____                                    |

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Initially it is noted that in their petition to make special under 37 C.F.R. §1.102(d), applicants state, concerning WO 0160955,

[a]lthough this reference was cited as relevant prior art in the International Search Report, Applicant submits that this reference is not a valid prior art reference because it was published on August 23, 2001, eight (8) days after Applicant's foreign priority application was filed (i.e. August 15, 2001). Applicants have, therefore, not substantively addressed the teachings of this reference. (Petition, page 3).

WO 0160955 was filed on or after November 29, 2000, published in English and listed the U.S. as a designated state. Accordingly, WO 0160955 is available as a prior art reference under § 102(e) as of the international filing date.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. in view of Trotta et al. and WO 01/60955 A1.

Scott et al., Patent Application Publication US 2002/0014035 A1, teach a method of making a summer, low-emission gasoline fuel which contains ethanol and complies with the California Code of Regulations [paragraph 0002]. In Table 4, pages 6-8 of Scott et al., fuel compositions fully meet the limitations of the instant claims are disclosed with the exception that the amount of trimethylpentenes, trimethylhexenes and trimethylheptenes in the fuel compositions are not disclosed/taught.

Trotta et al., U.S. Patent 6,241,791, teach that with respect to gasoline the content of olefins (mainly light olefins) should be reduced (column 1, lines 21-25) and that the use of high-octane hydrocarbon components deriving from the selective oligomerization of isobutene, has a synergic effect with that of some low-boiling and high-octane components, such as for example, ethanol (column 6, lines 47-52). Trotta et al. teach gasoline having a RON octane number equal to or higher than 90 and a MON octane number equal to or higher than 80 containing a typical gasoline cut, having a boiling point ranging from 30 to 220°C, one or more compounds deriving from the selective oligomerization of isobutene, which may optionally have been at least partially hydrogenated, in a quantity ranging from 0.5 to 20% by weight, preferably from 5 to 18%, wherein the dimmers of isobutene and possible co-dimers of isobutene with n-butenes are in a quantity of at least 80% by weight, preferably at least 85%, more preferably at least 90%, and optionally ethanol in a quantity ranging from 0 to 10% by weight, preferably from 0.5 to 6% (column 6, line 57 to column 7, line 6).

WO 01/60955 A1 (hereafter WO '955) teaches fuel compositions comprising a base fuel having a final boiling point greater than 150°C and an anti-foam, characterized in that the anti-foam comprising di-isobutylene in an amount greater than 2.5% by volume based on the total fuel composition (page 2, lines 9-12).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a dimer of isobutene as taught by Trotta et al. and WO '955 to a fuel composition as taught by Scott et al. in order to improve the anti-foam (WO '955) or octane properties (Trotta et al.) properties of the fuel composition.

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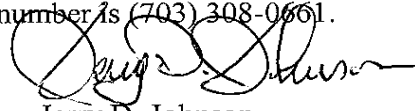
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry D. Johnson whose telephone number is (703) 308-2515.

The examiner can normally be reached on 6:00-3:30, M-F, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Caldarola can be reached on (703) 308-6824. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Jerry D. Johnson  
Primary Examiner  
Art Unit 1764

JDJ